IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH NAGPUR

Cri. Application No.1948/2006

Office Notes, Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders. : Court's or Judge's orders

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Mr. V.R.Choudhari, Adv.for applicant.
Mr. Manoj Kashyap Adv. for respondent nos. 1 to 4.
Mrs. Wasnik, A.P.P. for respondent no.5..

CORAM : A.P. Lavande, J.
Dated : January 10 , 2007

Heard learned counsel for the parties.

By this application under Section 378(4) of the Code of Criminal Procedure, the applicant seeks special leave to appeal against judgment and order of acquittal dated 8.3.2006 passed by Judicial Magistrate First Class, Anjangaon Surji in Regular Criminal Case No.78/2003 acquitting respondent nos. 1 to 4 for having committed offences punishable under sections 323, 294 and 506 Part II read with section 34 of the Indian Penal Code.

Having heard learned counsel for

the parties and having perused the judgment passed by learned Magistrate, I find that this is not a fit case in which special leave is to be granted. Perusal of the impugned judgment discloses that the Magistrate has correctly appreciated the evidence led by the parties and has come to the conclusion that the offences have not been established except to the extent that the Magistrate has disbelieved the prosecution witnesses on the ground that there is variance as to the situs of the injury. Insofar as the injury is concerned, there is medical evidence on record, but that by itself, is not sufficient to grant special leave to appeal against acquittal. Considering the judgment as a whole, I find that the findings given by learned Magistrate for acquitting respondent nos. 1 to 4 for the offences they were charged cannot be said to be perverse warranting grant of special leave to appeal. I, therefore, find that no case has been made out by the applicant to grant special leave to appeal. Hence, leave

is rejected.

Application stands disposed of.

JUDGE

A.